IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 16046 of 2005

Between:

M.Yella Goud S/o.M.Devanna Goud,
R/o.10-6, Post and Vill. Pentlavally Mandal, Kollapur, Mahabubnagar District.

..... PETITIONER

AND

1 APSRTC, Musheerabad, Hyderabad rep. by its Managing Director.
2 The Regional Manager, APSRTC Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction particularly one in the nature of writ of Mandamus declaring the impugned Proc No.LCI/785(68)/03-RM:MBNR dt.5.9.2003 as well as the Proc.No.P2/225(16)/04-RM:MBNR dt.1.12.2004 as illegal, unjust, discriminatory and in violation of Art.14,16 and 21 of the Constitution of India and consequently direct the respondents to consider the petitioners case for the post of driver afresh basing on the driving license No.17092 1985 along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not re-engaging the petitioner as a casual Driver in pursuance of the Circular No.PD.43/2000 dated 11-08-2000.

2. It is stated that originally, the petitioner was recruited against a regular notification as a Driver by the respondent-Corporation. But, he was removed from the service on the ground that the driving licence, which he had produced was not a genuine one. However, subsequently, the respondent-Corporation issued the earlier referred circular dated 11-08-2000, directing all the drivers, who were disengaged or discontinued on the ground of non-genuine driving licence, to produce fresh licences, so that their cases may be considered for re-engaging as drivers. Accordingly, it is stated that the petitioner obtained a fresh licence by way of renewal of the light motor vehicle driving licence into heavy motor vehicle driving licence. However, treating the said licence not as new licence, the respondent rejected the case of the petitioner. Hence, the present writ petition.

3. At the time of hearing, it is represented by the learned counsel for the petitioner that at the time when the petitioner was recruited by the Corporation he produced a separate heavy motor vehicle driving licence which was found to be non-genuine, but by that time, the petitioner was having a driving licence to drive light motor vehicles. In pursuance of the circular issued by the respondents or even before that the petitioner got renewed the light motor vehicle driving licence into one of heavy motor vehicle driving licence and the said licence was produced by the petitioner. However, the respondent rejected the same on the ground that he did not obtain a fresh licence. The said view taken by the respondent-Corporation is not proper and just.

4. The learned Standing Counsel, however, sought to sustain the order in view of the non-production of a fresh licence as directed by the Corporation in its circular dated 11-08-2000.

5. Heard both sides and considered the material on record.

6. The grievance of the petitioner is that the licence, which the petitioner had produced, is a fresh licence before the authorities though it was renewed much before the issuance of the circular dated 11-08-2000. Merely because such licence was obtained prior to the said circular, the respondent-Corporation is not justified in rejecting the same. If the licence produced by the petitioner is a valid and genuine licence to drive the heavy motor vehicles, the respondent-Corporation is obligated to consider the same on merits in the light of its own circular dated 11-08-2000. Therefore, the findings arrived at by the respondents that the petitioner was having two driving licences at the time when he was recruited in the year 1997 is not just and proper.

7. Therefore, if the licence produced by the petitioner is a genuine one, the respondent-Corporation is directed to consider the same and pass appropriate orders to re-engage the petitioner as a driver in the respondent-Corporation, within a period of six weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

22nd July, 2005

SKM

Copy to:

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.

2 The Regional Manager, APSRTC, Mahabubnagar.

3 1 CC to MR.NARASIMHA GOUD

4 Two C.D. Copies.